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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,447	05/16/2006	Ikue Yamashita	278542007000	8452

25225 7590 04/07/2011
MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER

WANG-HURST, KATHY W

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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04/07/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/579,447	Applicant(s) YAMASHITA ET AL.	
	Examiner KATHY WANG-HURST	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/29/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/7/2010 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/29/2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishihara (US 2002/0077079).

Regarding claim 1, Ishihara discloses a mobile communication device having an openable/closable cover (see Ishihara: Fig. 3, openable/closable cover 55), a plurality of first operation units that are operable regardless of whether the cover is opened or closed (see Ishihara: [0057] and Fig. 3, interface connector 53 is one of the functions whether the cover is opened or closed), a plurality of second operation units that are operable only when the case is opened (see Ishihara: [0057] and Fig. 3, control panel 52 and display 51 when the cover is opened), and a locking function for disabling processing associated with operation of the operation units (see Ishihara: [0081] dial lock function), comprising:

- an opened/closed detection unit operable to detect an opened/closed state of the cover (see Ishihara: [0081] detecting open or closed states of the cover; also see Fig. 6, folded state detection 12);

- a judging unit operable to judge whether a predetermined operation has been performed on at least one of the operation units with the cover in a closed state and the locking function enabled (see Ishihara: [0068], Ex. 9, secret number input to lock the phone, interface connection is detected or the folded state is detected); and

- an operation control unit operable (see Ishihara: [0068]), when the judging unit has judged in the affirmative (see Ishihara: [0068] and Fig. 8, the phone is closed and locked), to enable processing associated with operation of at least one of the operation units by temporarily canceling the locking function (see Ishihara: [0010] Ishihara discusses a prior art where a second selection key for temporarily releasing the dial lock is pushed by the user; also see [0089] dial locked state 1 turned into the dial unlocked

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state 2 when a secret number is inputted from the control panel, therefore phone is unlocked; and see [0092] Ishihara discusses an automatic dial lock mode after a set time, therefore phone is locked again after a set time, thus a temporary unlocking function), wherein

while the locking function is being temporarily cancelled (see Ishihara: [0081] phone being unlocked), the operation control unit (i) enables the locking function by terminating the temporal cancellation of the locking function, if a predetermined time period has elapsed since a last operation performed on at least one of the first operation units or if the case is opened (see Ishihara: [0081] and Fig. 8, "5" indicates the phone is transitioned to locked state when the phone is detected open) , or (ii) maintains the temporal cancellation of the locking function unless the predetermined time period has elapsed since a last operation performed on at least one of the first operation units (see Ishihara: [0092] dial lock is set when the dial lock setting timer reaches a time-out period. In other words the dial lock maintains unlocked until a predetermined time-out is reached).

Regarding claim 4, Ishihara discloses a method for controlling a mobile communication device having an openable/closable case(see Ishihara: Fig. 3, openable/closable cover 55), a plurality of first operation units that are operable regardless of whether the case is opened or closed (see Ishihara: [0057] and Fig. 3, interface connector 53 is functional regardless whether the cover is opened or closed), a plurality of second operation units that are operable only when the case is opened (see Ishihara: [0057] and Fig. 3, control panel 52 and display 51 when the cover is

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opened), and a locking function for disabling processing associated with operation of the first and second operation units (see Ishihara: [0081] dial lock function), comprising the steps of:

detecting an opened/closed state of the case (see Ishihara: [0081] detecting open or closed states of the cover; also see Fig. 6, folded state detection 12);

judging whether a predetermined operation has been performed on at least one of the first operation units with the case in a closed state and the locking function enabled (see Ishihara: [0068], Ex. 9, secret number input to lock the phone, detect the folded state);

when the judging step has judged in the affirmative, enabling processing associated with operation of at least one of the first operation units by temporarily canceling the locking function (see Ishihara: [0010] Ishihara discusses a prior art where a second selection key for temporarily releasing the dial lock is pushed by the user; also see [0089] dial locked state 1 turned into the dial unlocked state 2 when a secret number is inputted from the control panel and [0092] Ishihara discusses an automatic dial lock mode after a set time, both of which suggests temporary unlocking function; [0081] and Fig. 8, while phone is locked and closed, user input secret code to unlock the phone); and

while the locking function is being temporarily cancelled(see Ishihara: [0081] phone being unlocked), (i) enabling the locking function by terminating the temporal cancellation of the locking function, if a predetermined time period has elapsed since a last operation performed on at least one of the first operation units or if the case is

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opened (see Ishihara: [0081] and Fig. 8, “5” indicates the phone is transitioned to locked state when the phone is detected open), or (ii) maintaining the temporal cancellation of the locking function unless the predetermined time period has elapsed since a last operation performed on at least one of the first operation units (see Ishihara: [0092] dial lock is set when the dial lock setting timer reaches a time-out period).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishihara in view of Hansen et al. (US 6370362), hereinafter “Hansen”, and further in view of A5306ST Instruction Manual, hereinafter “Instruction Manual”, cited by applicant's IDS.

Regarding claim 3, Ishihara discloses the mobile communication device having a display operable to display information with the case in an opened state (see Ishihara: Fig. 3 display 51) but does not specifically disclose a screen operable to display information with the case in a closed state, wherein the first operation units include an operation unit provided on a same surface as the screen and a side key provided on a main body lateral surface, and processing associated with operation of the operation unit provided on the same surface as the sub-screen is disabled when the lock function is enabled.

In the same field of endeavor, Hansen discloses a screen operable to display information with the case in a closed state (see Hansen, Fig. 1, a screen when the case is closed), wherein the first operation units include an operation unit provided on a same surface as the sub-screen (see Hansen, Figs. 1 and 2, roller key 10 is on the same surface as the display when the case is closed) and a side key provided on a main body lateral surface (see Hansen, Fig. 1, side keys on the on the main body lateral surface), and processing associated with operation of the operation unit provided on the same surface as the sub-screen is disabled when the lock function is enabled (see Hansen, col. 7 lines 13-15, roller key 10 is disabled when user selects "Lock Keys").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the invention of Ishihara, to have a screen the user can access when the case is closed, to have a function key on the same surface as the screen that user can perform certain functions when the case is closed, and to have a key on the lateral surface of the main body of the phone that user can use to perform certain function, as taught by Hansen (see Hansen, col. 7 lines 13-17), for the advantages of providing greater convenience to the user for accessing various functions of the phone even when the case is in a closed state and at the same time protecting the phone from mis-use, thus enhancing user satisfaction.

The combination of Ishihara and Hansen discloses a screen operable to display information with the case in a closed state but does not disclose a sub-screen operable to display information with the case in a closed state.

In the same field of endeavor, Instruction Manual discloses a sub-screen operable to display information with the case in a closed state (see Instruction Manual, page 6 for main screen when the case is open and sub-screen when the case is closed).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the invention of Ishihara, to provide a sub-screen when the phone is closed so that the user can access information via the sub-screen when the phone is closed (see Instruction Manual, page 6 for main screen and sub-screen), as taught by Instruction Manual, thus providing greater convenience to the user by having a secondary display when the phone is folded for the advantages of improving the utility of the phone.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elomaa.(US 6892081) discloses Mobile terminal and method of operation using content sensitive menu keys in keypad locked mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571)270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamran Afshar can be reached on (571) 272-7796. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/
Examiner, Art Unit 2617